

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff(s),

V.

EIGHTY-EIGHT THOUSAND, TWO
HUNDRED SIXTY-SEVEN DOLLARS
(\$88,267.00) U.S. CURRENCY

Defendant(s).

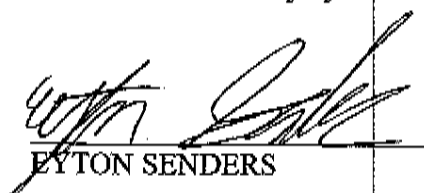
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)
)
) NO. 4:13CV00502 CAS
)
) VERIFIED CLAIM OPPOSING
) FORFEITURE
)
) JURY TRIAL DEMANDED
)
)

The claimant, EYTON SENDERS, has a 100% property interest in the property to which this in rem proceeding is based upon. The claimant preserves all rights pursuant to *Simmons vs. United States*, 390 U.S. 377, 88 S.Ct. 967, 19 L.Ed.2d 1247 (1968), *United States v. Cretacci*, 62 F.3d 307 (9th Cir. 1995); *United States v. United States Coin & Currency*, 401 U.S. 715, 91 S.Ct. 1041, 28 L.Ed.2d 434 (1971); *United States v. Ward*, 448 U.S. 242, 252, 100 S. Ct. 2636, 2643, 65 L. Ed. 2d 742 (1980); *Austin v. United States*, 509 U.S. 602, 608 n. 4, 113 S.Ct. 2801, 125 L.Ed.2d 488 (1993), and on the advice of counsel, asserts all privileges afforded to him under the 5th Amendment to the United States Constitution, namely, the right against self-incrimination and the right against unreasonable search and seizures. The claimant demands its restitution and has a right to defend the action based upon the fact that the currency were seized from an area in which the claimant had a leasehold and privacy interest in. The claimant further contends that any currency that is deemed to be found not to be the claimants then he has a

bailment obligation to the bailor and thus making the claimant responsible for the proceeds. The claimant holds legal and equitable title. Claimant further contends the currency was seized without a warrant and in violation of his 4th Amendment rights. Finally, the claimant contends if applicable, he is an innocent owner of the funds pursuant to § 18 U.S.C. 983(d). The claimant asserts all of these claims to the CURRENCY set forth as the defendant in this action. The claimant is making this claim as provided for in the Supplemental Rules for Admiralty. The claimant is relying on the authority provided in this claim and exclusively on the advice of counsel that the act of filing a claim is not a waiver of his 5th Amendment Privilege against self-incrimination. If any court in any jurisdiction later determines that this claim opposing forfeiture could constitute an admission of any kind in a criminal proceeding, then on the advice of counsel, claimant will withdraw this claim.

I, EYTON SENDERS, hereby declare I have read the claim opposing forfeiture and know its contents. Based upon my good faith belief, I declare under penalty of perjury the above to be true and correct. Executed on May 9, 2013. I am filing this claim as provided for in Supplemental Rules for Admiralty Claims, Section Rule C(6).

Claimant demands a jury trial.

 5/9/13
EYTON SENDERS

CERTIFICATE OF SERVICE

I, Ronald Richards, Esq., hereby certify that on May 9, 2013, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following: Julia M. Wright, AUSA

s/ Ronald Richards, Esq.